

AMENDED IN SENATE MAY 5, 2009

SENATE BILL

No. 762

Introduced by Senator Aanestad

February 27, 2009

An act to amend Section 460 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Aanestad. Professions and vocations: healing arts.

Existing law makes it unlawful for a city or county to prohibit a person, authorized by one of the agencies of the Department of Consumer Affairs to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof.

This bill would also make it unlawful for a city, county, or city and county to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee, but would prohibit construing this provision to prohibit the enforcement of a local ordinance *effective in effect* prior to January 1, 2010, as specified, *or to prohibit the adoption or enforcement of a local ordinance governing zoning, business licensing, or reasonable health and safety requirements, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 460 of the Business and Professions Code
2 is amended to read:

1 460. (a) No city or county shall prohibit a person or group of
2 persons, authorized by one of the agencies in the Department of
3 Consumer Affairs by a license, certificate, or other such means to
4 engage in a particular business, from engaging in that business,
5 occupation, or profession or any portion thereof.

6 (b) No city, county, or city and county shall prohibit a healing
7 arts professional licensed with the state under Division 2
8 (commencing with Section 500) from engaging in any act or
9 performing any procedure that falls within the professionally
10 recognized scope of practice of that licensee. ~~This~~

11 (1) *This subdivision shall not be construed to prohibit the*
12 *enforcement of a local ordinance effective in effect prior to January*
13 *1, 2010, related to any act or procedure that falls within the*
14 *professionally recognized scope of practice of a healing arts*
15 *professional licensed under Division 2 (commencing with Section*
16 *500).*

17 (2) *This subdivision shall not be construed to prevent a city,*
18 *county, or city and county from adopting or enforcing any local*
19 *ordinance governing zoning, business licensing, or reasonable*
20 *health and safety requirements for establishments or businesses*
21 *of a healing arts professional licensed under Division 2*
22 *(commencing with Section 500).*

23 (c) Nothing in this section shall prohibit any city, county, or
24 city and county from levying a business license tax solely for
25 revenue purposes, nor any city or county from levying a license
26 tax solely for the purpose of covering the cost of regulation.